IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO. 254 of 2004

In

Suit No.3000 of 1994

M/s Daya Builders ..Plaintiffs

V/s

E.F.Finshaw Estate

and Ors. .. Defendants

Mr.M.C.Thacker with S.B.Amin for Defendant nos.1 to 4 and 6

Ms. Sujata Palav i/b Rina H.Pujara for Plaintiff

CORAM:S.U.KAMDAR,J.

DATED: 8th February 2005

P.C.:-

. The present Chamber Summons is taken out for setting aside the order passed by the Prothonotary and Senior Master, High Court, Bombay dismissing the suit for default for non appearance at the stage of direction in the matter. There is no doubt that there is subtential delay on the part of the plaintiff. In the interest of justice the matter should be required to be restored in view of the fact that suit is for specific performance of immovable

properties.

. In my opinion the ends of justice will meet if the Chamber Summons is allowed with direction to the plaintiff to pay the cost to the defendant which is quantified at Rs.3,000/-.

. Chamber Summons is disposed of accordingly with costs as aforesaid.

(S.U.KAMDAR,J.)